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64046 7590 03/02/2010 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER SHEDRICK, CHARLES TERRELL				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,453

**Applicant(s)**

BAJKO ET AL.

**Examiner**

CHARLES SHEDRICK

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3.5-9, 18-23, 25, 26, 28-33 and 36-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3.5-9, 18-23, 25-26, 28-33 and 36-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Examiner's note: The claims indicate that the detected response is configured as a provisional response acknowledgement. This appears to be somewhat misleading and unclear since for example claim 1 reads "a response to the message from the second party to the first party". In other words, from the second UE2 to the first UE1. The amended limitation further indicates that the above noted limitation is further configured as a provisional response acknowledgement (i.e., a PRACK). The Examiner respectfully submits that according to the original disclosure the provisional response acknowledgement (i.e., a PRACK) is sent from the first UE1 (i.e., the first party). The Examiner has also considered the case where the first party includes the UE2 and the second party includes the UE1, however, the claim language would still be unclear based on the manner in which the claims are written.

For Examination purposes consider the following interpretation. SIP defines two type of responses, provisional and final. Final responses convey the results of the request processing, and are sent reliably. Provisional responses provide information on the progress of the request processing.

The Applicant further indicates that the above noted feature is not taught by the prior art of record. However, the Examiner respectfully disagree with respect to the Rosenberg reference as noted below in the rejection. Rosenberg specifically teaches in the cited sections below where

the provisional responses are Acks and the information can be included in the ACKs which is consistent with the SIP protocol as noted above and below in the following rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **32-33 and 39-47** are rejected under 35 U.S.C. 102(e) as being anticipated by  
**Rosenberg US Patent No.: 7,509,425**

Consider **Claim 32**, Rosenberg teaches an apparatus(e.g., at least **Proxy 1012**) configured to provide at least the following: forward a message from a first party to a second party in a communication system(e.g., **example see message forwarding in framework of figure 16**); forward a response including at least one parameter in breach of a policy for communication between the first party and the second party **unmodified** from the second party to the first party(e.g., **proxies receiving this error(i.e., unacceptable policies) may attempt to retry with a different policy or just pass the error response upstream...col. 18 lines 12-15**); receive a further message from the first party including at least one parameter in breach of the policy(e.g., **when the UAC 1002 receives this response 2520, 2522, 2524, it can either**

**reject or accept the policies proposed in the received MFO...UAC 1002 may accept the MFO's in part , or counter offer...col. 18 lines 44-51), the further message configured as a provisional response acknowledgement in accordance with a session initiation protocol(I.e., PRACKs/ACKs as noted in at least col. 11 lines 54-67, col. 13 lines 15-30 and col. 18 lines 44-51); and detect that the further message includes at least one parameter in breach of the policy(e.g., reason codes are sent in the response so the Proxy knows which policy or elements were rejected or by analyzing the proposed set of MFO's...col. 18 lines 44-56), the apparatus comprising a call state control function (I.e., processing the call between the devices as noted in at least col. 5 lines 10-25).**

Consider **claim 33 as applied to the controller according to claim 32**, Rosenberg teaches a controller configured to send a further response including a definition of the policy to the first party (e.g., MFO's and MIO's illustrated in at least figure 16).

Consider **claims 39 and 40**, Rosenberg teaches an apparatus and corresponding method , comprising: first sending means for sending, at a first party, a message to a second user equipment(e.g., as noted in figure 16 caller 1002 sends an invite 2512...col. 16 line 37); receiving means for receiving, at a first party, a response to the message from the second party(e.g., UAC 1002 receives a response 2520, 2522, 2524...col. 18 line 44), the response including at least one parameter in breach of a policy(e.g., **accept or reject based on unacceptable MFO's or further negotiations... col. 18 lines 38-56** ); controller means for modifying, at the first party, at least one parameter into consistency with the policy(e.g., **counteroffers or acceptance in part... col. 18 lines 38-56**); and second sending means for sending a further message to a network controller( e.g., **counteroffers or acceptance in part...**

**col. 18 lines 38-56 transmitted to proxy 1012),** the further message including at least one modified parameter(e.g., **proposed MFO's col. 18 lines 50-51**); the further message configured as a provisional response acknowledgement in accordance with a session initiation protocol(I.e., **PRACKs/ACKs as noted in at least col. 11 lines 54-67, col. 13 lines 15-30 and col. 18 lines 44-51**); the apparatus comprising a call state control function (i.e., **processing the call between the devices as noted in at least col. 5 lines 10-25**);wherein the controller means is further configured to further modify the at least one parameter in response to a response to the further message(e.g., **the MFO and MIO may be modified by the proxies as noted in col. 18 lines 30-32**).

Consider **Claim 41 and as applied to claim 40**, Rosenberg teaches wherein the modifying is responsive to a response to the further message (e.g., **counteroffers or acceptance in part... col. 18 lines 38-56 transmitted to proxy 1012**).

Consider **Claim 42 and as applied to claim 40**, Rosenberg teaches wherein the modifying comprises modifying the at least one parameter to be consistent with a local policy(e.g., **counteroffers or acceptance in part in order to establish media stream... col. 18 lines 38-56 and 57-58transmitted to proxy 1012**).

Consider **claims 43 and 45**, Rosenberg teaches a method and apparatus configured to provide at least the following: forward a session initiation protocol request from a first user equipment to a second user equipment(e.g., **proxy 1012 forwards SIP invite illustrated in figure 16**); forward a session initiation protocol response containing a session description protocol offer from said second party to said first party(e.g., **the SIP offer 2424 shown in figure 16**); receive a succeeding request and checking whether the request contains a session

description protocol answer for the offer that breaches a local policy(e.g., **proxies receiving an error can attempt to retry or pass the error as noted in at least col. 18 lines 9-16. UAC 1002 may counter offer col. 18 line 50**); the succeeding request configured as a provisional response acknowledgement in accordance with a session initiation protocol(i.e., **PRACKs/ACKs as noted in at least col. 11 lines 54-67, col. 13 lines 15-30 and col. 18 lines 44-51**);and if the session description protocol answer breaches the local policy, return a response that the answer is not acceptable(e.g., **proxies receiving an error can attempt to retry or pass the error as noted in at least col. 18 lines 9-16....counter offer in line 50** ), the response containing a local policy allowed session description protocol payload(e.g., **when the error response arrives with a full list of the set of requested policies as noted in at least col. 18 lines 9-16**).

Consider **Claim 44 and as applied to claim 43**, Rosenberg teaches wherein the first party(e.g., **UAC 1002 typically a phone ...col. 15 line 63**) is a user equipment and the session description protocol answer is reduced at the user equipment(e.g., **accepted in part or counter offer col. 18 lines 44-46**).

Consider **Claim 46 and as applied to claim 45**, Rosenberg teaches wherein the network controller is a proxy call session control function(i.e., **caller and callee proxy call function ...e.g., 1012 and 1014 in figure 1...col. 5 lines 61 and 64**).

Consider **Claim 47 and as applied to claim 45**, Rosenberg teaches wherein the network controller is a serving call session control function( i.e., **caller and callee proxy call function ...e.g., 1012 and 1014 in figure 1...col. 5 lines 61 and 64**).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims **1, 3, 5-9, 25-26, 28- 29 and 36-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Requena et al WO 02/096145 A1** in view of **RFC 3262, Reliability of provisional responses in the Session initiation protocol (SIP), hereinafter, 'RFC 3262'**.



Consider **claim 1**, Requena teaches a method, comprising: passing a message from a first party to a second party in a communication system (**see at least figure 2 where the SIP invite message is passed from UE1 via proxy and serving call state function to UE 2**); passing a response to the message from the second party to the first party(**e.g., see at least the 183 message noted in figure 2 where the UE2 responds with a reply message ...see also page 5 line 15**), the response including at least one parameter in breach of a policy for a communication between the first party and the second party(**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**); detecting in a network controller that the response includes at least one parameter breaching the policy; and modifying, by the network controller, the at least one parameter to be consistent with the policy (**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response or UE2 reply message may need to be modified further if network conditions change**), a call session control function (**e.g., see P-CSCF-1 in figure 2**)

However, Requena does not specifically teach where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (**e.g., see pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Requena to include where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Requena uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK(e.g., a PRACK) (e.g., see introduction on page 1 for interoperability). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **claim 9**, Requena teaches an Apparatus(e.g., **multiple controllers which all handle request and responses...see P-CSCF1, S-CSCF1, S-CSCF2 and P-CSCF2 in figure 2**), configured to provide at least the following: operate in a communication system(a **3G telecommunication system as noted on page 1 line 26**) ; handle responses and requests between parties of communication sessions(e.g., **page 4 lines 14- page 5 line 15 discusses the signaling of messages between UE1 and UE2 which is also illustrated in figure 2**); forward a message from a first party to a second party(e.g., **message forwarding via the SIP invite message is also illustrated in figure 2**); check whether a response to the message from the second party to the first party includes at least one parameter in breach of a policy for the communication between the parties(i.e., **a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**); and modify the at least one parameter to be consistent with the policy(i.e., **a non suitable codec**

**is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response or UE2 reply message may need to be modified further if network conditions change), a call session control function(e.g., see P-CSCF-1 in figure 2).**

However, Requena does not specifically teach where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (e.g., see **pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Requena to include where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Requena uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK(e.g., a PRACK) (e.g., see introduction on page 1). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **claim 25**, Requena **teaches** a method comprising: passing a message from a first party to a second party in a communication system(e.g., **page 4 lines 14- page 5 line 15 discusses the signaling of messages between UE1 and UE2 which is also illustrated in figure**

2); receiving a response from the second party to the first party(e.g., see at least the 183 message noted in figure 2 where the UE2 responds with a reply message ...see also page 5 line 15), the response including at least one parameter in breach of a policy for communication between the parties(i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change); determining in a network controller that one or more of said at least one parameter is in breach of the policy(i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change); and sending a further message including a definition of the policy to the first party (The network entities remove all non suitable codecs as noted in page 4 lines 9-12 and sends the modified response to UE 1 based on a changed condition in the network during the response. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change), a call session control function (e.g., see P-CSCF-1 in figure 2).

However, Requena does not specifically teach where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (e.g., see pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Requena to include where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Requena uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **claim 28**, Requena teaches an apparatus (e.g., **multiple controllers which all handle request and responses...see P-CSCF1, S-CSCF1, S-CSCF2 and P-CSCF2 in figure 2**), configured to: forward a message from a first party to a second party in the communication system(e.g., **page 4 lines 14- page 5 line 15 discusses the signaling of messages between UE1 and UE2 which is also illustrated in figure 2**);receive a response from the second party to the first party(e.g., **see at least the 183 message noted in figure 2 where the UE2 responds with a reply message ...see also page 5 line 15**), the message including at least one parameter in breach of a policy for communication between the parties(**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**); determine that one or more of said at least one parameter is in breach of the policy (**i.e., a non suitable codec is detected. The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be**

**modified further if network conditions change**); and send a further message including a definition of the policy to the first party (**The network entities remove all non suitable codecs as noted in page 4 lines 9-12 and sends the modified response to UE 1 based on a changed condition in the network during the response. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**).

However, Requena does not specifically teach where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (e.g., see **pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Requena to include where the detected response configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Requena uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **claim 36** Requena teaches An apparatus(e.g., **UE1 of figure 6**), comprising: a transmitter configured to send a message at a first party to a second party(e.g., **RF part**

**transmits as noted on page 22 line 27 and further illustrated in figure 2** ); a receiver configured to receive at the first party from the second party a response to the message(e.g., **RF part illustrated in figure 6 receives responses illustrated in figure 2, e.g., 183**), the response including at least one parameter in breach of a policy(i.e., **a non suitable codec is detected**). **The network entities remove all non suitable codecs as noted in page 4 lines 9-12. Page 18 lines 26 -30 explains that the response may need to be modified further if network conditions change**); and a processor configured to modify(e.g., **CPU of figure 6 as noted in at least page 23 lines 26-27** ), at the first party, at least one parameter into consistency with the policy(i.e., **the UE1 generates a third message containing additional information...e.g., see page 19 lines 13-23 that may or may not be supported as conditions in the network changes as noted on page 18 lines 26-27. The parameter may or may not be consistent based on the dynamic changes occurring in the network**), wherein the transmitter is further configured to send a further message to a network controller, the further message including the modification (e.g., **the RF part transmits the modified message that was generated ...page 19 lines 13-22 and see also figure 2**).

However, Requena does not specifically teach where the further message configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches where the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (e.g., **see pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Requena to include where the further message configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Requena uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By combining Requena with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **claim 3 and as applied to claim 1**, Requena as modified by RFC 3262 teaches modifying the at least one parameter by the first party(e.g., **based on the response to the request the first party makes sure the parameter is consistent with policy-page 19 lines 13-22**).

Consider **claim 5 and as applied to claim 1**, Requena as modified by RFC 3262 teaches wherein the detecting comprises detecting in the network controller that provides a call session control function(e.g., **see P-CSCF-1 in figure 2**).

Consider **claim 6 and as applied to claim 5**, Requena as modified by RFC 3262 teaches wherein the detecting comprises detecting in the network controller that provides the call session control function comprising at least one of a proxy call session control function or a serving call session control function(e.g., **see P-CSCF-1 in figure 2**).

Consider **claim 7 and as applied to claim 1**, Requena as modified by RFC 3262 teaches wherein the detecting comprises detecting that the response includes the at least one parameter



comprising a parameter of a session description protocol(**reply msg 183 ...page 17 lines 30-32**).

Consider **claim 8 and as applied to claim 1**, Requena as modified by RFC 3262 teaches wherein the sending comprises sending the response in accordance with a session initiation protocol(**SIP reply msg 183 ...page 17 lines 30-32**).

Consider **claim 26 and as applied to claim 25**, Requena as modified by RFC 3262 teaches wherein the sending of the further message comprises sending information of at least one parameter in consistency with the policy(**e.g., based on the SIP Invite and UE2 capability ...page 17 lines 32-33**).

Consider **claim 29 and as applied to claim 28**, Requena as modified by RFC 3262 teaches wherein the apparatus is configured to include in the further message information of at least one parameter in consistency with the policy(**e.g., determine subset of support codecs and return in msg 183 as illustrated in figure 2**).

Consider **claim 37 and as applied to claim 36**, Requena as modified by RFC 3262 teaches wherein the processor is further configured to further modify at least one parameter in response to a response to the further message(**e.g., based on the response to the request the first party makes sure the parameter is consistent with policy-page 19 lines 13-22**).

Consider **claim 38 and as applied to claim 36**, Requena as modified by RFC 3262, teaches wherein the user equipment is configured to modify the at least one parameter to be consistent with a local policy(**e.g., based on the response to the request the first party makes sure the parameter is consistent with policy...page 19 lines 13-22**).

6. Claims **18, 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ejzak US Patent Pub. No.: 2004/0095958 A1** in view of **RFC 3262, Reliability of provisional responses in the Session initiation protocol (SIP), hereinafter, 'RFC 3262'**.

Consider **Claim 18**, Ejzak teaches a method, comprising: passing a message from a first party to a second party in a communication system(e.g., **figures 6, 7 and 8 show an offer message 502 and 802 which is described in at least paragraphs 0054, 0059 and 0063**); receiving a response to the message from the second party (i.e., **the answer message 510 and 812 in figures 7 and 8**), the response including at least one parameter in breach of a policy for a communication between the first party and the second party(**i.e., the codec format is not supported according to policy**)(as noted in at least paragraphs 0060 and 0067 ); passing the response **unmodified** from the second party to the first party(**i.e., the controller decides to send the answer message without allocating a transcoder as noted in at least paragraphs 0060 and 0067**); and determining in a network controller that one or more of said at least one parameter breaches the policy( **i.e., the codec format is not supported according to policy**)(as noted in at least paragraphs 0060 and 0067), the network controller comprising a call state control function(**i.e., processing the call between the devices as noted in at least paragraphs 0060 and 0067**).

However, Ejzak does not specifically teach the response message configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (e.g., see pages 8- 9 which

**describe the reliability of provisional responses in SIP and the offer/answer model and PRACK).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak to include where the response message configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Ejzak uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By combining Ejzak with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **Claim 21**, Ejzak teaches an apparatus(**controller 104 of figure 8**), configured to provide at least the following: forward a message from a first party to a second party in a communication system(e.g., **forwards offer message 802 from first party 110 to second party 108 as illustrated in figure 8**); pass a response to the message **unmodified** from the second party to the first party(e.g., **as noted the controller 104 decides to send the answer message without allocating a transcoder as noted in at least paragraphs 0060 and 0067** ), the response including at least one parameter in breach of a policy for a communication between the first party and the second party(e.g., **unsupported codec noted in paragraph 0067**); and determine in a network controller that one or more of said at least one parameter breaches the policy(e.g., **the controller determines that the codec is unsupported by the PSTN as noted in**

**paragraph 0067), the network controller comprising a call state control function(i.e., processing the call between the devices as noted in at least paragraphs 0060 and 0067)**

However, Ejzak does not specifically teach the response message configured as a provisional response acknowledgement in accordance with a session initiation protocol.

In analogous art, RFC 3262 teaches the response is configured as a provisional response acknowledgement in accordance with a session initiation protocol (e.g., see **pages 8- 9 which describe the reliability of provisional responses in SIP and the offer/answer model and PRACK**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak to include where the response message configured as a provisional response acknowledgement in accordance with a session initiation protocol as taught by RFC 3262. Ejzak uses SIP for controlling multimedia communications between devices. RFC 3262 teaches in order to improve reliability of SIP provisional responses a mechanism can be provided which includes an ACK (e.g., a PRACK) (e.g., see introduction on page 1). By combining Ejzak with the teachings of RFC 3262 one of ordinary skill in the art would further yield predictable results by using the extensions provided in the additional opportunities in the offer/ answer exchanges.

Consider **claim 22 and as applied to claim 21**, Ejzak as modified by RFC 3262 teaches an apparatus 104 configured to detect at least one parameter in breach of the policy in a further message from the first party(e.g., **the controller detects that the codec is unsupported by the PSTN as noted in paragraph 0067**).

Consider **claim 23 and as applied to claim 22**, Ejzak as modified by RFC 3262 teaches

an apparatus 104 configured to send to the first party another message containing the policy allowed payload in response to detection of said at least one parameter in breach of the policy(e.g., as noted in figure 8 the controller forwards the allowed codec which is EVRC supported by some components and violated the policies of others, which is why the transcoder is applied by 110 of figure 8 as noted in paragraph 0068).

7. Claims **19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ejzak US Patent Pub. No.: 2004/0095958 A1** in view of **RFC 3262, Reliability of provisional responses in the Session initiation protocol (SIP), hereinafter, 'RFC 3262', and further in view of Rosenberg US Patent No.: 7,509,425.**

Consider **claim 19 and as applied to claim 18**, Ejzak as modified by RFC 3262 teaches the claimed invention except further comprising: sending a further message from the first party to the network controller, said determining comprising detecting at least one parameter in breach of the policy in the further message.

However, Rosenberg teaches sending a further message from the first party to the network controller, said determining comprising detecting at least one parameter in breach of the policy in the further message(e.g., **When the UAC 1002 receives this response 2520, 2522, 2524 it can either reject or accept the policies proposed...the UAC 2002 may accept the MFO in part, or counteroffer as noted in a least col. 8 lines 38-56** ).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak as modified by RFC 3262 to include sending a further message from the first party to the network controller, said determining comprising detecting at

least one parameter in breach of the policy in the further message for the purpose of establishing and modifying network signaling protocols as taught by Rosenberg

Consider **claim 20 and as applied to claim 19**, Ejzak as modified by RFC 3262 teaches the claimed invention except further comprising: responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload.

However, Rosenberg teaches responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload (**e.g., proxies receiving an error can attempt to retry or pass the error as noted in at least col. 18 lines 9-16....counter offer in line 50** ).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak as modified by RFC 3262 to include responsive to said detecting, sending to the first party by the network controller another message containing the policy allowed payload as taught by Rosenberg

8. Claims **30-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ejzak US Patent Pub. No.: 2004/0095958 A1** in view of **Rosenberg US Patent No.: 7,509,425**

Consider **claim 30**, Ejzak teaches A method, comprising: passing a message from a first party to a second party in a communication system(**e.g., forwards offer message 802 from first party 110 to second party 108 as illustrated in figure 8**); receiving a response including at least one parameter in breach of a policy for a communication between a first party and a second party(**i.e., the answer message 510 and 812 in figures 7 and 8**); passing the response **unmodified** from the second party to the first party(**e.g., as noted the controller 104 decides to send the answer message without allocating a transcoder as noted in at least paragraphs**

**0060 and 0067), a call state control function(i.e., processing the call between the devices as noted in at least paragraphs 0060 and 0067)**

However, Ejzak does not specifically teach receiving from the first party a further message including one or more of the at least one parameter in breach of the policy; the further message configured as a provisional response acknowledgement in accordance with a session initiation protocol and detecting in a network controller that the further message includes the one or more of the at least one parameter breaching the policy.

In analogous art Rosenberg teaches receiving from the first party a further message including one or more of the at least one parameter in breach of the policy (e.g., **When the UAC 1002 receives this response 2520, 2522, 2524 it can either reject or accept the policies proposed...the UAC 2002 may accept the MFO in part, or counteroffer as noted in a least col. 8 lines 38-56** ); the further message configured as a provisional response acknowledgement in accordance with a session initiation protocol(i.e., **PRACKs/ACKs as noted in at least col. 11 lines 54-67, col. 13 lines 15-30 and col. 18 lines 44-51**); and detecting in a network controller that the further message includes the one or more of the at least one parameter breaching the policy (i.e., **proxies determine based on error response ...col. 18 lines 10-11 and in some case the MIO's and MFO' s may be modified by the proxies...col. 18 lines 30-33 and a listing of MFO are sent col. 18 lines 53-55** ).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ejzak to include receiving from the first party a further message including one or more of the at least one parameter in breach of the policy; and detecting in a network controller that the further message includes the one or more of the at least

one parameter breaching the policy for the purpose of establishing and modifying network signaling protocols as taught by Rosenberg

Consider **Claim 31 and as applied to claim 30**, Ejzak as modified by Rosenberg teaches the claimed invention further comprising sending a further response including a definition of the policy to the first party(e.g., **as noted in figure 8 the controller forwards the allowed codec which is EVRC supported by some components and violated the policies of others, which is why the transcoder is applied by 110 of figure 8 as noted in paragraph 0068**).

#### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/  
Examiner, Art Unit 2617

/LESTER KINCAID/  
Supervisory Patent Examiner, Art Unit 2617